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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FRANCIE E. MOELLER, et al.,

Plaintiffs,

v.

TACO BELL CORP.

Defendant.

CASE NO. C 02 5849 MJJ ADR

**JOINT STIPULATION RE:  
MODIFICATION OF CUT-OFF DATES  
AND ~~PROPOSED~~ ORDER**

DATE: February 14, 2006  
TIME: 2:00 p.m.  
CTRM: 11  
JUDGE: Hon. Martin J. Jenkins

This stipulation is entered into by and among the parties hereto, Plaintiffs Francie Moeller, Edward Muegge, Katherine Corbett, and Craig Yates on behalf of a class of similarly situated individuals (collectively, "Plaintiffs") and Defendant Taco Bell Corp. ("Taco Bell"), through their respectively undersigned attorneys, with reference to the following facts:

WHEREAS, the parties, having conferred following the case management conference conducted on February 14, 2006 as requested by the Court,

IT IS THEREFORE STIPULATED AND AGREED, by and among the undersigned parties, through their counsel of record, that the Court modify the pre-trial schedule to reflect the following new cut-off dates:

| Task   | Deadline          |
|--|-------------------|
| Taco Bell Corp. shall provide a letter to plaintiffs responding to plaintiffs' proposal for an agreement concerning tolerances submitted to Taco Bell Corp.  | February 24, 2006 |
| Taco Bell Corp. shall provide a letter to plaintiffs providing a general description of the types of measurements or methodology Taco Bell Corp. is questioning with respect to the Special Master's Interim Survey Reports.   | February 24, 2006 |
| Plaintiffs shall provide meet and confer charts that shall clearly articulate or specify via a separate column or otherwise the injunctive relief that plaintiffs seek at each of Taco Bell's company-owned facilities constructed prior to January 26, 1993 and, without waiving other arguments that may support such relief, the barriers that Plaintiffs assert would be "readily achievable" to remove. Plaintiffs shall not satisfy their duty merely by reciting applicable rules, regulations, standards or other applicable authority, but rather by providing a description of the work desired. To the extent possible, plaintiffs shall incorporate into such charts any and all agreements reached as to tolerances and other | March 15, 2006    |

|    |   |                            |
|----|---|----------------------------|
| 1  | agreements reached between the parties involving former defense counsel,      |                            |
| 2  | the Skadden Arps firm. Taco Bell will entertain a reasonable request for      |                            |
| 3  | an extension of time, if necessary.   |                            |
| 4  | Taco Bell Corp. shall provide responses to plaintiffs' meet and confer        | 45 days after receipt of   |
| 5  | charts regarding facilities constructed prior to January 26, 1993. Taco       | plaintiffs' last or final  |
| 6  | Bell's responses shall clearly articulate, for each item: whether or not it   | chart regarding facilities |
| 7  | agrees that the item is out of compliance; for any item it contends to be in  | constructed prior to       |
| 8  | compliance, all grounds for such contention, including all defenses it        | January 26, 1993           |
| 9  | alleges apply to the item; and whether or not it intends to remedy the item.  |                            |
| 10 | Defendant shall not satisfy its duty merely by stating whether or not it will |                            |
| 11 | remedy the item. Plaintiffs will entertain a reasonable request for           |                            |
| 12 | extension of time, if necessary.  |                            |
| 13 | Taco Bell Corp. shall provide a comprehensive list of errors within the       | 45 days after receipt of   |
| 14 | Special Master's Interim Survey Reports regarding facilities constructed      | plaintiffs' last or final  |
| 15 | prior to January 26, 1993, and for each alleged error, shall explain all      | chart regarding facilities |
| 16 | grounds for its assertion.  | constructed prior to       |
| 17 |   | January 26, 1993           |
| 18 | Plaintiffs shall provide meet and confer charts for Taco Bell restaurants     | April 15, 2006             |
| 19 | built after January 26, 1993, such charts to include injunctive relief        |                            |
| 20 | requested by Plaintiffs.  |                            |
| 21 | Case Management Conference re: Meet and Confer                                | May 18, 2006 at 2:00       |
| 22 |   | p.m.                       |
| 23 | Taco Bell Corp. shall provide responses to plaintiffs' meet and confer        | 45 days after receipt of   |
| 24 | charts for Taco Bell restaurants built after January 26, 1993. Taco Bell's    | plaintiffs' last or final  |
| 25 | responses shall clearly articulate, for each item: whether or not it agrees   | chart regarding Taco       |
| 26 | that the item is out of compliance; for any item it contends to be in         | Bell restaurants built     |
| 27 | compliance, all grounds for such contention, including all defenses it        | after January 26, 1993     |

|    |   |                           |
|----|---|---------------------------|
| 1  | alleges apply to the item; and whether or not it intends to remedy the item.  | or June 10, 2006,         |
| 2  | Defendant shall not satisfy its duty merely by stating whether or not it will | whichever date is later   |
| 3  | remedy the item.  |                           |
| 4  | Taco Bell Corp. shall provide a comprehensive list of errors within the       | 45 days after receipt of  |
| 5  | Special Master's Interim Survey Reports for Taco Bell restaurants built       | plaintiffs' last or final |
| 6  | after January 26, 1993, and for each alleged error, shall explain all         | chart regarding Taco      |
| 7  | grounds for its assertion.  | Bell restaurants built    |
| 8  |   | after January 26, 1993    |
| 9  |   | or June 10, 2006,         |
| 10 |   | whichever date is later   |
| 11 | Deadline to file motion for leave to join third parties                       | August 10, 2006           |
| 12 | Fact discovery cutoff   | September 15, 2006        |
| 13 | Expert disclosures  | October 15, 2006          |
| 14 | Rebuttal expert disclosures   | November 15, 2006         |
| 15 | Expert discovery cutoff   | January 15, 2007          |
| 16 | Dispositive motion deadline   | March 28, 2007            |

17 RESPECTFULLY SUBMITTED,

18 FOX & ROBERTSON, P.C.

19 DATED: February 17, 2006

20 BY:       /s/ Timothy P. Fox  
Timothy P. Fox

21 Counsel for Plaintiffs Francie Moeller, Edward  
22 Muegge, Katherine Corbett and Craig Thomas Yates

23 GREENBERG TRAURIG, LLP

24 DATED: February 17, 2006

25 BY:       /S/  
Gregory F. Hurley

26 Counsel for Defendant Taco Bell Corp.

# ORDER

Pursuant to the parties' stipulation, IT IS ORDERED that:

| Task   | Deadline  |
|--|---|
| Taco Bell Corp. shall provide a letter to plaintiffs responding to plaintiffs' proposal for an agreement concerning tolerances submitted to Taco Bell Corp.  | February 24, 2006   |
| Taco Bell Corp. shall provide a letter to plaintiffs providing a general description of the types of measurements or methodology Taco Bell Corp. is questioning with respect to the Special Master's Interim Survey Reports.   | February 24, 2006   |
| Plaintiffs shall provide meet and confer charts that shall clearly articulate or specify via a separate column or otherwise the injunctive relief that plaintiffs seek at each of Taco Bell's company-owned facilities constructed prior to January 26, 1993 and, without waiving other arguments that may support such relief, the barriers that Plaintiffs assert would be "readily achievable" to remove. Plaintiffs shall not satisfy their duty merely by reciting applicable rules, regulations, standards or other applicable authority, but rather by providing a description of the work desired. To the extent possible, plaintiffs shall incorporate into such charts any and all agreements reached as to tolerances and other agreements reached between the parties involving former defense counsel, the Skadden Arps firm. Taco Bell will entertain a reasonable request for an extension of time, if necessary. | March 15, 2006  |
| Taco Bell Corp. shall provide responses to plaintiffs' meet and confer charts regarding facilities constructed prior to January 26, 1993. Taco Bell's responses shall clearly articulate, for each item: whether or not it   | 45 days after receipt of plaintiffs' last or final chart regarding facilities |

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| 1  | agrees that the item is out of compliance; for any item it contends to be in  | constructed prior to       |
| 2  | compliance, all grounds for such contention, including all defenses it        | January 26, 1993           |
| 3  | alleges apply to the item; and whether or not it intends to remedy the item.  |                            |
| 4  | Defendant shall not satisfy its duty merely by stating whether or not it will |                            |
| 5  | remedy the item. Plaintiffs will entertain a reasonable request for           |                            |
| 6  | extension of time, if necessary.  |                            |
| 7  | Taco Bell Corp. shall provide a comprehensive list of errors within the       | 45 days after receipt of   |
| 8  | Special Master's Interim Survey Reports regarding facilities constructed      | plaintiffs' last or final  |
| 9  | prior to January 26, 1993 and for each alleged error, shall explain all       | chart regarding facilities |
| 10 | grounds for its assertion.  | constructed prior to       |
| 11 |   | January 26, 1993           |
| 12 | Plaintiffs shall provide meet and confer charts for Taco Bell restaurants     | April 15, 2006             |
| 13 | built after January 26, 1993, such charts to include injunctive relief        |                            |
| 14 | requested by Plaintiffs.  |                            |
| 15 | Case Management Conference re: Meet and Confer                                | May 18, 2006 at 2:00       |
| 16 |   | p.m.                       |
| 17 | Taco Bell Corp. shall provide responses to plaintiffs' meet and confer        | 45 days after receipt of   |
| 18 | charts for Taco Bell restaurants built after January 26, 1993. Taco Bell's    | plaintiffs' last or final  |
| 19 | responses shall clearly articulate, for each item: whether or not it agrees   | chart regarding Taco Bell  |
| 20 | that the item is out of compliance; for any item it contends to be in         | restaurants built after    |
| 21 | compliance, all grounds for such contention, including all defenses it        | January 26, 1993 or June   |
| 22 | alleges apply to the item; and whether or not it intends to remedy the item.  | 10, 2006, whichever date   |
| 23 | Defendant shall not satisfy its duty merely by stating whether or not it will | is later                   |
| 24 | remedy the item.  |                            |
| 25 | Taco Bell Corp. shall provide a comprehensive list of errors within the       | 45 days after receipt of   |
| 26 | Special Master's Interim Survey Reports for Taco Bell restaurants built       | plaintiffs' last or final  |
| 27 | after January 26, 1993, and for each alleged error, shall explain all         | chart regarding Taco Bell  |
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|    |   |                          |
|----|---|--------------------------|
| 1  | grounds for its assertion.                              | restaurants built after  |
| 2  |   | January 26, 1993 or June |
| 3  |   | 10, 2006, whichever date |
| 4  |   | is later                 |
| 5  | Deadline to file motion for leave to join third parties | August 10, 2006          |
| 6  | Fact discovery cutoff                                   | September 15, 2006       |
| 7  | Expert disclosures                                      | October 15, 2006         |
| 8  | Rebuttal expert disclosures                             | November 15, 2006        |
| 9  | Expert discovery cutoff                                 | January 15, 2007         |
| 10 | Dispositive motion deadline                             | March 28, 2007           |

11  
12  
13 Dated: 2/23/2006



14 Honorable Martin J. Jenkins  
15 United States District Court  
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